



sparta01.001

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
(sparta01.001)

<b>Applicant:</b>	Flam	<b>Paper No.:</b>
<b>Application No:</b>	09/930,698	<b>Group Art Unit:</b> 2162
<b>Filed:</b>	8/15/01	<b>Examiner:</b> Ly, Anh

**Title:** *System and method for automated process control*

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Commissioner for Patents  
Alexandria, VA 23313-1450

**Response to a non-final Office action under 37 C.F.R. 1.111**

**Status of the prosecution**

The application as filed has 20 claims. Claim 1 is the only independent claim. Applicant received a first Office action in the above application mailed 9/9/2005. In the Office action, Examiner objected to the line spacing in claim 13 and rejected claims 1-3 and 8-20 under 35 U.S.C. 103(a) as obvious over the combination of U.S. published patent application US 2003/0004952, Nixon, et al., *Accessing and updating a configuration database from distributed physical locations within a process control system*, having a priority date of 4/28/2000 (hereinafter "Nixon") and U.S. published patent application US 2005/0038885, Agrusa, et al., *Process control*, having a priority date of 10/15/1999 (henceforth "Agrusa"). Examiner rejected claims 4-7 under 35 U.S.C. 103(a) as obvious over the combination of Nixon and Agrusa with U.S. patent 5,778,387, Wilkerson, et al., *Database automated recovery system*, issued 7/7/1998 (henceforth "Wilkerson"). Examiner further objected to the line spacing in claim 13.

Applicants requested a telephonic interview in the application in November, but Examiner indicated that due to the press of end of the quarter work, he could not grant the interview until 12/15/05. Applicants accepted this gracious offer and the interview took

place as scheduled on the basis of a written *Argument* in which Applicant traversed the rejections under 35 U.S.C. 103(e). In the interview, Examiner indicated that he would allow claim 1 if the limitations of claim 2 were added to it. Applicant is hereby accepting Examiner's suggestion and in accord with that suggestion, are amending claim 1, canceling claim 2, and making claims 3 and 4 dependent on claim 1. Applicant's motive for so doing is, however, solely to obtain an issued patent as quickly as possible. Applicant respectfully continues to disagree with Examiner's rejection of claim 1 as filed as the rejection is set forth in the Office action of 9/9/05 and reserves the right to file a divisional application containing claim 1 as originally filed and claims dependent from claim 1. Applicant is further amending claim 4 to fix a typographical error, remedying the line spacing in claim 13, amending claim 15 to provide an environment to which the "schedule" is added, and amending claim 16 to make it dependent from claim 15.

**Please amend the claims as follows:**